

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) Entitled: REPEATER OSCILLATION
DEAN, Richard F.) PREVENTION
)
) Examiner: REGO, Dominic E.
)
Ser. No. 10/786,709) Art Unit: 2618
)
)
Filing Date: February 24, 2004) Confirmation No. 3646

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated April 7, 2006, the time for responding having been extended until October 7 2006, please amend the above-identified application as follows:

PETITION FOR EXTENSION TO TIME

Applicant respectfully requests a three-month extension of time to respond to said Office Action up to and including October 9, 2006. Please charge the requisite fee of \$1,020.00 associated with this Extension of Time to Deposit Account No. 17-0026.

Claims 1-19 are pending in the present application, of which claims 1, 10, and 19 are independent. No claims have been added, amended or deleted. Applicant believes that the present application is in condition for allowance, which prompt and favorable action is respectfully requested.

I. REJECTION UNDER 35 U.S.C. §102

Claims 1-5, 9-14, 18 and 19 are rejected under 35 U.S.C. 102(b) as being unpatentable over Iwai, U.S. Patent No. 5,815,795 (hereinafter "Iwai"). The rejection is respectfully traversed.

To anticipate a claim under 35 U.S.C. §102, the reference must teach every element of the claim and "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." (see MPEP §2131).

In the rejection, the Examiner asserts that Iwai discloses a method and apparatus as per Claim 1. However, Applicant submits that Iwai does not disclose "embedding a wireless communication device circuit in the repeater; and using the wireless communication device circuit to determine if the repeater system is in oscillation" as in Claim 1. Iwai discloses a method of detecting oscillation in a repeater by inserting a rather simplified current measuring circuit into the repeater circuitry. Iwai discloses that the repeater is determined to be in oscillation by means of "detecting a direct current component included in the power level signal, and second detecting means for detecting an alternating current component included in the power level signal" (Col 3, lines 4-7). Iwai does not disclose that the detection circuitry is a wireless communication device circuit or that the wireless communication device circuit is used to determine if the repeater system is in oscillation as in Claim 1.

Moreover, the Examiner sites "Col 2, line 57-Col 3, lines 21" as proof that Iwai discloses the detection circuit establishing a call. Applicant respectfully disagrees and argues, that in fact, Iwai is describing the repeater's role in amplifying the base station's call to a mobile unit via the repeater. Iwai does not disclose that the oscillation detection circuit is capable of making a call. Therefore, Iwai does not disclose "establishing a call from the wireless communication device circuit to a base station" as in claim 2.

Thus, Iwai does not teach every element of the claim and the identical invention is not contained in the disclosure. For at least this reason Claim 1 is patentable. Claims 10 and 19

contain similar limitations as to Claim 1, and for at least the same reasons as stated for Claim 1, Claims 10 and 19 are patentable. Claims 2-5 and 9 depend from independent Claim 1, and are patentable for at least the same reasons as stated with respect to Claim 1. Claims 11-14 and 18 depend from independent Claim 10, and are patentable for at least the same reasons as stated with respect to Claim 10. For at least the foregoing reasons, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. §102.

II. REJECTION UNDER 35 U.S.C. §103

Claims 6-9 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwai, U.S. Patent No. 5,815,795 (hereinafter "Iwai") in view of Seki et al., U.S. Patent No. 2004/0248581 A1. The rejection is respectfully traversed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. (see MPEP §2143)

As stated with respect to Claim 1, Iwai does not teach or disclose all of the limitations of Claim 1. Neither Iwai nor Seki independently or combined teach or disclose all of the limitations of Claim 1. Therefore Claim 1 is patentable. Claim 10 contains similar limitations as to Claim 1, and for at least the same reasons as stated for Claim 1, claim 10 is patentable. Claims 6-9 and claims 15-18 depend from patentable claims 1 and 10, and for at least this reason Claims 6-9 and 15-18 are patentable based on their dependency upon patentable claims 1 and 10, and other novel features contained therein. For at least the foregoing reasons Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. §103.

CONCLUSION

In light of the remarks contained herein, Applicant submits that the application is in condition for allowance, for which early action is requested.

Applicant respectfully requests a three-month extension of time to respond to said Office Action up to and including October 9, 2006. Please charge the requisite fee of \$1,020.00 associated with this Extension of Time to Deposit Account No. 17-0026.

Please charge any additional fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

By:


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Dated: October 5, 2006

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